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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,457	10/21/2003	Timo Kaikumaa	944-001.118	7338
4955 7590 07/18/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER HOM, SHICK C	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/691,457

Applicant(s)

KAIKUMAA, TIMO

Examiner

Shick C. Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/21/03, 3/10/04, 8/12/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,17-19 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 3-4, 6-16, 20-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Claim Objections***

1. Claims 17-24 are objected to because of the following informalities: in claim 17 line 4 delete typo "form" and insert ---from---. In claims 1-24 delete all numbers in parenthesis which refer to items in the Figures. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 5, 17-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (6,697,989) in view of Adachi (4,270,148).

Regarding claims 1, 5, 17-19, and 24:

Maeda et al. disclose a method for false sync code protection (FSP) decoding of a video data signal (col. 2 lines 11-35 recite decoding demodulated DVD coded data clearly anticipate decoding video data), comprising the steps of:

examining the video data signal in a byte-by-byte manner to identify a predetermined binary number, determining if the binary number follows the predetermined binary number based on a predetermined criterion, and removing (48) the binary number next to the predetermined binary number, if the predetermined criterion is met (col. 4 lines 30-62 recite the means and step of sync code detection clearly anticipate the step of examining the data to identify a predetermined number; means and step of detecting whether the bit patterns conform to a predetermined modulation rule; and the sync code removal means clearly reads on determining if the predetermined criterion is followed and removing binary number) as in claims 1, 5, 17-19, 24.

Regarding claims 2 and 22-23.

Maeda et al. disclose wherein the binary number is an 8-bit binary number, which is equivalent to one byte (col. 18 lines 22-38 recite the data being byte units).

Maeda et al. disclose all the subject matter of the claimed invention with the exception of the video data signal being

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encoded with padding binary numbers as recited in claims 1, 5, 17.

Adachi from the same or similar fields of endeavor teach that it is known to provide video data signal being encoded with padding binary numbers (Fig. 1 shows and col. 1 lines 25-38 recites the fill bit generator which clearly reads on the padding binary numbers).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide video data signal being encoded with padding binary numbers as taught by Adachi in the communications method and device of Maeda et al.

The video data signal being encoded with padding binary numbers can be implemented by connecting the fill bit generator means and step of Adachi to the encoder of Maeda et al.

The motivation for providing video data signal being encoded with padding binary numbers as taught by Adachi in the communication method and device of Maeda et al. being that it provides more efficiency for the system since the system can better align/realign rate signals at the receiving end.

***Allowable Subject Matter***

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4. Claims 3-4, 6-16, and 20-21 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al. disclose an information transmitting method, encoder/decoder of information transmitting system using the method, and encoding multiplexer/decoding inverse multiplexer. Lee discloses an apparatus in digital video tape recorder for detecting a sync signal in digital data.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CHI PHAM  
SUPERVISORY PATENT EXAMINER 7/16/07